

The Gazette



of India

EXTRAORDINARY

PART II—Section 2

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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 26th November, 1963:—

BILL No. XXXVIII OF 1963

*A Bill to establish a Press Council for the purpose of preserving the liberty of the Press and of maintaining and improving the standards of newspapers in India.*

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- |  |                            |
|--|----------------------------|
| 1. (1) This Act may be called the Press Council Act, 1963.   | Short title<br>and extent. |
| (2) It extends to the whole of India except the State of Jammu and Kashmir.  |                            |
| 2. In this Act, unless the context otherwise requires,—  | Definitions.               |
| (a) "Chairman means the Chairman of the Council;   |                            |
| (b) "Council" means the Press Council of India established under section 3;  |                            |
| (c) "member" means a member of the Council and includes its Chairman;  |                            |
| (d) "prescribed" means prescribed by rules made under this Act;  |                            |
| (e) the expressions "editor" and "newspaper" have the meanings respectively assigned to them in the Press and Registration |                            |

of Books Act, 1867, and the expression "working journalist" has the meaning assigned to it in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

25 of 1867.

45 of 1955.

## CHAPTER II

### ESTABLISHMENT OF THE PRESS COUNCIL

#### Incorporation of the Council.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Council by the name of the Press Council of India.

(2) The said Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

#### Composition of the Council.

4. (1) The Council shall consist of a Chairman and twenty-five other members.

(2) The Chairman shall be a person nominated by the Chief Justice of India.

(3) The other members shall be chosen as follows:—

(a) thirteen members from among the working journalists, of whom not less than six shall be editors of newspapers who do not own or carry on the business of management of newspapers, so however that the number of editors of newspapers published in Indian languages shall not be less than three;

(b) six members from among persons who own or carry on the business of management of newspapers;

(c) three members from among persons having special knowledge or experience in the field of education, literature, law or culture;

(d) three members, of whom two shall be from among the members of the House of the People and one from among the members of the Council of States.

(4) The two members to be chosen from among the members of the House of the People shall be nominated by the Speaker thereof and the one to be chosen from among the members of the Council of States shall be nominated by the Chairman thereof; and save as aforesaid, all the other members referred to in sub-section (3) shall be nominated by a Committee consisting of the Chief Justice of India, the Chairman of the Council and a person to be appointed by the President of India.

(5) Before making any nomination under clause (a) or clause (b) of sub-section (3), the Committee referred to in sub-section (4) shall, in the prescribed manner, invite panels of names from all such associations of persons of the categories referred to in the said clause (a) or clause (b) as may be notified in this behalf by the Central Government and in making any such nomination the Committee shall have due regard to the panels of names forwarded to it.

(6) Before making any nomination under clause (c) of sub-section (3), the Committee shall consult such associations or persons as it thinks fit.

(7) The names of persons nominated under this section shall be forwarded to the Central Government and shall be notified by that Government in the Official Gazette, and every appointment so made under this section shall take effect from the date on which it is so notified.

5. (1) Save as otherwise provided in this section, the Chairman and other members shall hold office for a period of three years.

Term of  
office and  
retirement  
of mem-  
bers.

(2) Where a person chosen as a member under clause (a) or clause (b) of sub-section (3) of section 4 is censured under the provisions of sub-section (1) of section 13, he shall cease to be a member of the Council.

(3) The term of office of a member chosen under clause (d) of sub-section (3) of section 4 shall come to an end as soon as he ceases to be a member of the House from which he was chosen.

(4) The Chairman may resign his office by giving notice in writing to the Central Government and any other member may resign his office by giving notice in writing to the Chairman; and upon such resignation being accepted by the Central Government or, as the case may be, the Chairman, he shall be deemed to have vacated his office.

(5) A casual vacancy arising under sub-section (2) or sub-section (3) or sub-section (4) or otherwise shall be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(6) Every fresh appointment to fill a casual vacancy or a vacancy caused by the retirement of a member shall be made from the same category of persons to which the member in whose place the appointment is to be made belonged, and every such appointment shall be made by the same authority by which and in the same manner in which, that member was appointed.

(7) A retiring member shall be eligible for re-appointment:

Provided that before any retiring member who has served for two full consecutive terms is re-appointed, there shall intervene a period of at least eighteen months between the date of his retirement and the date of his re-appointment.

Conditions  
of service  
of mem-  
bers.

6. (1) The Chairman shall be a whole-time officer and shall be paid such honorarium or salary as the Central Government may think fit; and the other members shall receive such allowances or fees for attending the meetings of the Council, as may be prescribed.

(2) Subject to the provisions of sub-section (1), the conditions of service of members shall be such as may be prescribed.

(3) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Meetings  
of the  
Council.

7. The Council shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

Committees  
of the  
Council.

8. For the purpose of performing its functions under this Act, the Council may constitute from amongst its members such committees for general or special purposes as it may deem necessary and every committee so constituted shall perform such functions as are assigned to it by the Council.

Vacancies  
amongst  
members  
or defect  
in the  
constitu-  
tion not  
to invali-  
date acts  
and pro-  
ceedings of  
the Coun-  
cil.

9. No act or proceeding of the Council shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

Staff of  
the Coun-  
cil.

10. (1) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act.

(2) The terms and conditions of service of the employees shall be such as may be determined by regulations made with the prior approval of the Central Government.

11. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in like manner in this behalf.

Authenti-  
cation of  
orders and  
other ins-  
truments  
of the  
Council.

### CHAPTER III

#### POWERS AND FUNCTIONS OF THE COUNCIL

12. (1) The object of the Council shall be to preserve the liberty of the Press and to maintain and improve the standards of newspapers in India.

Objects  
and func-  
tions of  
the Coun-  
cil.

(2) The Council may, in furtherance of its object, perform the following functions, namely:—

(a) to help newspapers to maintain their independence;

(b) to build up a code of conduct for newspapers and journalists in accordance with the highest professional standards and, in particular, to prevent the use of any information obtained by journalists for purposes of blackmail;

(c) to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;

(d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;

(e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance and also the arrangements made for the reproduction in India of material obtained from other countries;

(f) to promote the establishment of such common service for the supply and dissemination of news to newspapers as may from time to time appear to it to be desirable;

(g) to provide facilities for the proper education and training of persons in the profession of journalism and to assist persons so trained to get themselves absorbed in the profession;

(h) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers;

(i) to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor;

(j) to promote technical or other research;

(k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

Power to  
censure.

13. (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, the Council shall, after giving the newspaper, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may censure the newspaper, the editor or journalist, as the case may be.

(2) Where any newspaper, editor or journalist has been censured more than once under sub-section (1), the Council may report the matter to the Central Government together with a recommendation in regard to the action which may be taken by that Government against the newspaper, editor or journalist.

(3) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

(4) The decision of the Council under sub-section (1), shall be final and shall not be questioned in any court of law.

General  
powers of  
the  
Council.

14. (1) For the purpose of performing its functions under this Act, the Council may require the publisher of any newspaper to furnish to it information on such points or matters as it may deem necessary.

(2) While holding any inquiry under this Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of persons and examining them on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents.

45 of 1860.

(3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

15. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of the functions of the Council under this Act. Payments to the Council.

16. (1) The Council shall have its own Fund; and all such sums as may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any other authority or person, shall be credited to the Fund and all payments by the Council shall be made therefrom. Fund of the Council.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.

(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

17. The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government. Budget.

18. The Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year, and giving an account of the standards of newspapers and factors affecting them, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament. Annual report.

19. The accounts of the Council shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed. Accounts and audit.

## CHAPTER IV

### MISCELLANEOUS

20. (1) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

Members,  
etc., to  
be public  
servants.

21. Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power to  
make  
rules.

22. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that when the Council has been established, no such rules shall be made without consulting the Council.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which panels of names may be invited under sub-section (5) of section 4;

(b) the allowances or fees to be paid to the members of the Council for attending meetings of the Council, and other conditions of service of such members;

(c) the appointment of the Secretary and other employees of the Council;

(d) the form in which, and the time within which, the budget and annual report are to be prepared by the Council;

(e) the manner in which the accounts of the Council are to be maintained and audited.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to  
make re-  
gulations.

23. The Council may make regulations not inconsistent with this Act and the rules made thereunder, for—

(a) regulating the meetings of the Council and the procedure for conducting business thereat;



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(b) specifying the terms and conditions of service of the employees appointed by the Council;

(c) regulating the manner of holding any inquiry under this Act:

Provided that the regulations made under clause (b) shall be made with the prior approval of the Central Government.

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### STATEMENT OF OBJECTS AND REASONS

One of the major recommendations of the Press Commission concerns the establishment of a Press Council in India consisting of people principally connected with the Press, which would safeguard the liberty of the Press, evolve and maintain standards of journalistic ethics, keep under review developments tending towards monopoly and concentration of control and promote research and provide common services for the Press. The Bill seeks to implement this recommendation.

2. In the matter of its composition, the Bill closely follows the recommendations of the Press Commission and guarantees predominant representation to members drawn from the Press who will consist of working journalists, including working editors of both English and Indian language newspapers, and persons who own or carry on the business of management of newspapers. The remaining few members will represent the interests of education, literature, law and culture as recommended by the Commission, and also public opinion through three representatives drawn from Parliament. The Chairman of the Council will be nominated by the Chief Justice of India. The Members of the Press Council, other than Members of Parliament, will be selected by a Committee consisting of the Chief Justice of India, the Chairman of the Press Council and a person to be appointed by the President of India, the selection in respect of the representatives from the Press being made with due regard to the panels of names furnished by established associations of working journalists, editors and of persons carrying on the business of management of newspapers.

3. The Press Council will be an autonomous body in the discharge of its functions and will regulate its own procedure. No disciplinary powers are given to the Council. It can only express its disapprobation and for that purpose it has been given the necessary immunities and procedural powers for holding enquiries. The decision of the Council shall not be questioned in any court of law.

NEW DELHI;  
*The 22nd November, 1963.*

SATYA NARAYAN SINHA.

## FINANCIAL MEMORANDUM

The Bill contemplates the appointment of a whole-time Chairman of the Press Council and such other officers as may be required by it for the purpose of discharging its functions. Members will receive only an allowance for the days they attend meetings of the Council. There will be a small staff to begin with and it is anticipated that the annual expenditure would not exceed Rs. 2,30,000 in the initial stages including the cost of publication of the Report of the Council. An initial non-recurring expenditure of about Rs. 20,000 may also be necessary during 1963-64 for providing furniture, library and other equipment necessary for the office of the Council.

2. No provision has been made in the budget estimates for this purpose, but necessary funds will be made available.

3. Funds in respect of subsequent years will vary from years to year and will be provided in the budget estimates in the normal way.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of the Bill empowers the Central Government to make rules to carry out the purposes of the Act. The matters in respect of which such rules may be made have been specified therein. They relate, *inter alia*, to the manner of inviting panels of names for the purpose of making appointments to the Council, allowances or fees of members, the appointment of the employees of the Council, the form of budget and the manner of auditing the accounts. All these matters are of procedural and routine character.

In clause 23 of the Press Council has been empowered to make regulations in respect of the procedure for conducting business at the meetings of the Council, the conditions of service of the employees of the Council and the manner of holding an enquiry under the Act. All these matters are also of procedural and routine character.

The delegation of legislative power is thus of a normal character.

B. N. BANERJEE,  
*Secretary.*